

\*\*\*\*\*

**40.90. TREE PLAN****40.90.05. Purpose**

*Healthy trees and urban forests provide a variety of natural resource and community benefits for the City of Beaverton. Primary among those benefits is the aesthetic contribution to the increasingly urban landscape. Tree resource protection focuses on the aesthetic benefits of the resource.* The purpose of a Tree Plan application is to provide a mechanism to regulate pruning, removal, replacement, and mitigation for removal of *Protected Trees* (~~s~~Significant *Individual Trees*, ~~and~~ ~~h~~Historic ~~t~~Trees, ~~and~~ *trees within Significant* ~~g~~Groves and Significant Natural Resource Areas (SNRAs)), ~~L~~Landscape ~~t~~Trees, ~~street tree~~, and ~~e~~Community ~~T~~rees thus helping to preserve and enhance the sustainability of the City's urban forest. This Section is carried out by the approval criteria listed herein *and implements the SNRA, Significant Grove, Significant Individual Tree, and Historic Tree designations as noted or mapped in Comprehensive Plan Volume III.*

**40.90.10. Applicability.**

Different types of resources require different levels of protection. No Tree Plan is required for the following actions:

1. Removal of up to four (4) ~~e~~Community ~~t~~Trees within ~~a~~ one (1) calendar year period. Properties one-half acre or less in size developed with a detached dwelling may remove any number of ~~e~~Community ~~t~~Trees.
2. Removal *and pruning* of any hazardous, *dead, or diseased* tree ~~or a portion of a hazardous tree~~ when the tree is identified as such by *a certified arborist, or by* the City Arborist and the removal is required by the City. ~~The removal of the tree is subject to the mitigation requirements of Section 60.60 (Trees and Vegetation) of this Code.~~ *Hazardous and dead trees within Significant Groves and SNRAs shall be fallen only for safety and left at the resource site to serve as habitat for wildlife, unless the tree has been diagnosed with a disease and must be removed from the area to protect the remaining trees.*
3. *In the event of an emergency requiring tree removal or pruning prior to the City Arborist's determination, if evidence justifies the emergency removal after the fact, then no tree plan is required for removal. Hazardous and dead trees within Significant Groves and SNRAs shall be fallen only for safety and left at the resource site to serve as habitat*

*for wildlife, unless the tree has been diagnosed with a disease and must be removed from the area to protect the remaining trees.*

34. Pruning of trees consistent with the Vision Clearance requirements of Section 60.55.50.
45. Pruning of trees by the utility provider for above ground utility power lines following acceptable arboricultural standards and practices.
6. *Pruning of trees to maintain the minimum 8 foot clearance above a sidewalk.*
7. *Removal or pruning of the following nuisance tree species anywhere in the city: Lombardy Poplar (Populus nigra), and birch (Betula sp.).*
8. *Removal and pruning of the following nuisance tree species in Significant Groves and SNRAs: Norway maple (Acer platanoides), Tree-of-Heaven (Ailanthus altissima), and Golden Chain Tree (Laburnum watereri).*
9. *Removal of a tree listed as a Nuisance or Prohibited Plant on Metro's or Clean Water Services' Native Plant Lists.*
10. *Within SNRAs and Significant Groves, planting of native vegetation listed on the Metro or Clean Water Services' Native Plant Lists when planted with non-mechanized hand held equipment.*
11. *Public street and sidewalk improvements within SNRAs or Significant Groves that meet i. or ii. and iii.:*
  - i. *Improvements within an existing public right-of-way; or*
  - ii. *Improvements within a public right-of-way that are required of development in order to meet functional classification standards, such as half-street improvements; and*
  - iii. *The proposed improvements do not exceed the minimum width standards of the Engineering Design Manual.*
12. *Trails within SNRAs and Significant Groves meeting all of the following:*
  - i. *Construction must take place between May 1 and October 30 with hand held equipment;*
  - ii. *Trail widths must not exceed 30 inches and trail grade must not exceed 20 percent;*
  - iii. *Trail construction must leave no scars greater than three inches in diameter on live parts of native plants; and*

- iv. *Trails must be placed outside the top of bank of any stream, river, or pond, and*
- v. *Trails must be 100% pervious.*

13. *Street Trees are covered by the Beaverton Municipal Code and Section 60.15.15.3.G.*

#### 40.90.15. Application.

There are ~~four (4)~~*three (3)* Tree Plan applications which are as follows: Tree Plan One, Tree Plan Two, *and* Tree Plan Three, ~~and Tree Plan Four.~~

##### 1. Tree Plan One.

A. Threshold. An application for Tree Plan One shall be required when none of the actions listed in Section 40.90.10 apply and one or more of the following thresholds apply:

1. Minor pruning of ~~a Significant Tree, Significant Grove, Landscape Trees and Protected Trees, tree within a Significant Natural Resource Area (SNRA), Historic tree, or Street Tree~~ once within an one year period.
2. Removal of up to and including five (5) Landscape Trees ~~or Street Trees~~ on a site within a one year period.
3. Removal or pruning of ~~a Significant Tree, Significant Grove, Landscape Trees and Protected Trees, tree within a Significant Natural Resource Area (SNRA), a Historic Tree, a Street Tree,~~ or part thereof, that constitutes or ~~removes~~*creates* a hazardous condition. Pruning to eliminate a hazardous condition may exceed minor pruning.
4. Removal of noxious vegetation, ~~re-planting of trees and shrubs, or both~~ *and clearing and grubbing of vegetation* within ~~a SNRAs, Significant Groves land designated as significant on the City's Local Wetland Inventory,~~ or ~~Ssensitive aAreas~~ as defined by Clean Water Services.
5. *Mechanized re-planting of trees and shrubs, or both, or restoration planting within SNRAs, Significant Groves, or Sensitive Areas as defined by Clean Water Services.*

6. *Trails greater than 30 inches in width, or trail grade exceeding 20 percent, trail surfaces less than 100% pervious surface, or any combination thereof within SNRAs, Significant Groves, or Sensitive Areas as defined by Clean Water Services that does not result in tree removal.*

B. Procedure Type. The Type 1 procedure, as described in Section 50.35 of this Code, shall apply to an application for Tree Plan One. The decision making authority is the Director.

C. Approval Criteria. In order to approve a Tree Plan One application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. The proposal satisfies the threshold requirements for a Tree Plan One application.
2. All City application fees related to the application under consideration by the decision making authority have been submitted.
3. The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code. [ORD 4265; September 2003]

~~4. If applicable, it is necessary to prune or remove a tree that poses a safety hazard to pedestrians, vehicular traffic, adjacent property, or the general public or that threatens to cause disruption of public service and at least one of the following exist:~~

~~a. The tree or portion of the tree is certified by a qualified professional as dead or dying.~~

~~b. A portion of the tree is only partially attached.~~

~~c. The tree or a portion of the tree has been damaged by a storm, fire, age, or accident and is physically lodged or leaning against a building, transportation facility, or overhead utility line or pole.~~

- 54. If applicable, pruning a tree will result in removal of no more than 20% of the tree's canopy or disturbance of no more than 10% of the root system. The pruning is needed to improve tree health or to eliminate conflicts with vehicles or structures which includes, but is not limited to, underground utilities and street improvements.
- 65. If applicable, removal of a ~~Landscape~~ ~~Tree~~ ~~or street tree~~ or pruning of a tree is necessary to accommodate development where variances to setback provisions of the Development Code will not allow the tree to be saved.
- 6. *If applicable, the removal of vegetation or clearing and grubbing is necessary to accommodate physical development in the area in which the removal is proposed.*
- ~~7. If applicable, emergency removal or pruning is necessary due to an immediate threat to public safety documented by photographic evidence supplied by the applicant.~~
- ~~8. Removal of a tree or grove shall not increase erosion or any resulting erosion shall be controlled consistent with City and Clean Water Services regulations.~~
- 97. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

D. Submission Requirements. An application for a Tree Plan One shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Tree Plan One application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.

E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Tree Plan One application to ensure compliance with the approval criteria. In addition to the approval criteria, the decision making authority may also impose other conditions of approval to ensure that the proposed tree work meets all requirements listed in Section 60.60 (Trees and Vegetation).

- F. Appeal of a Decision. Refer to Section 50.60.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Previous approval of Tree Plan One proposal shall not be extended.

## 2. Tree Plan Two

- A. Threshold. An application for Tree Plan Two shall be required when none of the actions listed in Section 40.90.10 apply, none of the thresholds listed in Section 40.90.15.1 apply, and one or more of the following thresholds apply:
  - 1. Major pruning of ~~a non-hazardous Significant Tree, Significant Grove, Trees within a Significant Natural Resource Area (SNRA), Historic Trees, Landscape Trees and Protected Trees, or Street Trees~~ once within a one (1) calendar year period.
  - 2. Removal of more than five (5) and up to and including ten (10) Landscape Trees ~~or Street Trees~~ on a site within a one calendar year period.
  - 3. Removal of five (5) or more Community Trees within a one calendar year period.
  - 4. *Removal of five (5) or more Community Trees on properties zoned for single family residential dwellings that are more than one-half acre in size, with or without an existing dwelling.*
  - 5. *Removal of up to and including 85% of the total DBH of non-exempt surveyed tree(s) within a SNRA or Significant Grove within any Multiple Use Zone.*
  - 6. *Removal of up to and including 75% of the total DBH of non-exempt surveyed tree(s) within a SNRA or Significant Grove within any Commercial, Residential, or Industrial Zone.*
  - 7. *Removal of a Significant Individual Tree(s).*

- B. Procedure Type. The Type 2 procedure, as described in Section 50.40 of this Code, shall apply to an application for Tree Plan Two. The decision making authority is the Director.
- C. Approval Criteria. In order to approve a Tree Plan Two application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Tree Plan Two application.
  2. All City application fees related to the application under consideration by the decision making authority have been submitted.
  3. If applicable, pruning of any tree or removal of ~~a~~ *Landscape, street, or eCommunity tTrees* is necessary to enhance the health of the tree, grove, group of trees, or an adjacent tree or to eliminate conflicts with structures or vehicles.
  4. ~~If applicable, it is necessary to remove diseased of landscape, street, or community trees or trees weakened by age, storm, fire, or other condition.~~
  54. If applicable, pruning *or removal* of any tree ~~or removal of a landscape, street, or community tree~~ is necessary to observe good forestry practices according to recognized American National Standards Institute (ANSI) A300-1995 standards and International Society of Arborists (ISA) standards on the subject.
  65. If applicable, pruning *or removal* of any tree ~~or removal of a landscape, street, or community tree~~ is necessary to accommodate *physical* development where no reasonable alternative exists ~~for the development at another location on the site, or where variances to setback provisions of this Code will cause other undesirable circumstances on the site or adjacent properties if the tree is saved.~~
  76. If applicable, removal ~~of a landscape tree or street tree or pruning~~ of any tree is necessary because it has become a

nuisance by virtue of damage to property or improvements, either public or private, on the subject site or adjacent sites.

87. If applicable, removal of *any tree landscape, street, or community tree* is necessary to accomplish public purposes, such as installation of public utilities, *street widening*, and similar needs, where no reasonable alternative exists without significantly increasing public costs or reducing safety.

~~9. Removal of a tree or grove shall not increase erosion or any resulting erosion shall be controlled consistent with City and Clean Water Services regulations.~~

8. *If applicable, removal of any tree is necessary to enhance the health of the tree, grove, SNRA, or adjacent trees to eliminate conflicts with structures or vehicles.*

9. *If applicable, removal of a tree, or trees, within a SNRA or Significant Grove will not result in a reversal of the original determination that the SNRA or Significant Grove is significant based on criteria used in making the original significance determination.*

10. *If applicable, removal of a tree, or trees, within a SNRA or Significant Grove will not result in the remaining trees posing a safety hazard due to the effects of windthrow.*

11. *If applicable, removal of a tree, or trees, within a SNRA or Significant Grove will not result in the remaining trees posing a safety hazard due to edge effects.*

~~10~~12. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

D. Submission Requirements. An application for a Tree Plan Two shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Tree Plan Two application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), and any other information identified through a Pre-Application Conference.



- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Tree Plan Two application to ensure compliance with the approval criteria. In addition to the approval criteria, the decision making authority may also impose other conditions of approval to ensure that the proposed tree work meets all requirements listed in Section 60.60 (Trees and Vegetation).
- F. Appeal of a Decision. Refer to Section 50.65.
- G. Expiration of a Decision. Refer to Section 50.90.
- H. Extension of a Decision. Previous approval of Tree Plan Two proposal shall not be extended.

### 3. Tree Plan Three

- A. Threshold. An application for Tree Plan Three shall be required when none of the actions listed in Section 40.90.10 or none of the thresholds listed in Section 40.90.15.1 or Section 40.90.15.2 apply and one or more of the following thresholds apply:
  - 1. ~~Removal of up to and including ninety five percent (95%) of trees within a Significant Natural Resource Area (SNRA). Removal of greater than 85% of the total DBH of non-exempt surveyed trees within a SNRA or Significant Grove area that is found on the project site within Multiple Use Zones.~~
  - 2. ~~Removal of greater than 75% of the total DBH of non-exempt surveyed trees within a SNRA or Significant Grove area that is found on the project site within Residential, Commercial, and Industrial Zones.~~
  - 23. Removal of ~~an~~ individual Historic Trees, ~~a tree within a Historic Grove, or a Historic Grove.~~
  - 3. ~~Removal of a Significant Tree, Grove, or portion thereof.~~
  - 4. Removal of more than ten (10) Landscape ~~or Street~~ Trees.

- B. Procedure Type. The Type 3 procedure, as described in Section 50.45 of this Code, shall apply to an application for Tree Plan Three. Upon determination by the Director, the decision making authority shall be either the Planning Commission or the Board of Design Review. The determination will be based upon the proposal.
- C. Approval Criteria. In order to approve a Tree Plan Three application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
1. The proposal satisfies the threshold requirements for a Tree Plan Three application.
  2. All City application fees related to the application under consideration by the decision making authority have been submitted.
  3. If applicable, removal of a diseased tree or a tree is necessary because the tree has been weakened by age, storm, fire, or other condition.
  4. If applicable, removal is necessary to enhance the health of the tree, grove, or adjacent tree to reduce maintenance, or to eliminate conflicts with structures or vehicles.
  5. If applicable, removal is necessary to observe good forestry practices according to recognized American National Standards Institute (ANSI) A300-1995 standards and International Society of Arborists (ISA) standards on the subject.
  6. If applicable, removal is *the minimum* necessary to accommodate *physical* development ~~because~~*where* no reasonable alternative exists for the development at another location on the site ~~and, or where~~ variances to setback provisions of the Development Code will not allow the tree(s) to be saved or will cause other undesirable circumstances on the site or adjacent properties.
  7. If applicable, removal is necessary because a tree has become a nuisance by virtue of damage to personal property or improvements, either public or private, on the

subject site or on an adjacent site, or that pruning in excess of 20 percent of the canopy is required to prevent damage to such improvements or property.

8. If applicable, removal is necessary to accomplish a public purposes, such as installation of public utilities, street widening, and similar needs where no reasonable alternative exists without significantly increasing public costs or reducing safety.

~~9. Removal of a tree or grove shall not increase erosion or resulting erosion shall be controlled consistent with City and Clean Water Services regulations.~~

~~10. If applicable, removal of a tree within a SNRA will not substantially reduce the significance of the natural resource.~~

~~11. If applicable, removal of a Significant Tree or tree within a Significant Grove will not eliminate the significance of the grove based upon the original Significant Tree and Grove Inventory analysis.~~

~~12~~10. If applicable, removal of a tree, or trees, within a SNRA *or Significant Grove* will not *result in the* ~~reduce the size of the grove to a point where the~~ remaining trees ~~may pose~~ *posing* a safety hazard due to the effects of windthrow.

11. *If applicable, removal of a tree, or trees, within a SNRA or Significant Grove will not result in the remaining trees posing a safety hazard due to edge effects.*

~~13. If applicable, removal of tree or trees within a Significant Grove will not reduce the size of the grove to a point where the remaining trees may pose a safety hazard due to the effects of windthrow.~~

~~14. If applicable, removal of a tree within a Historic Grove will not substantially reduce the significance of the grove in terms of its original designation on the list of Historic Groves.~~

~~1512.~~ Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

- D. Submission Requirements. An application for a Tree Plan Three shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the Director and shall be filed with the Director. The Tree Plan Three application shall be accompanied by the information required by the application form, and by Section 50.25 (Application Completeness), any other information identified through a Pre-Application Conference, and by a report from a qualified professional.
- E. Conditions of Approval. The decision making authority may impose conditions on the approval of a Tree Plan Three application to ensure compliance with the approval criteria. In addition to the approval criteria, the decision making authority may also impose other conditions of approval to ensure that the proposed tree work meets all requirements listed in Section 60.60 (Trees and Vegetation).
- F. Compliance with Approval. All conditions imposed on an approved Tree Plan Three shall be implemented prior to the removal, pruning, or planting of tree unless otherwise noted in the approval. Compliance with the conditions of approval shall be met as long as the tree exist unless otherwise specified or until modified through a City approval process.
- G. Appeal of a Decision. Refer to Section 50.70.
- H. Expiration of a Decision. Refer to Section 50.90.
- I. Extension of a Decision. Previous approval of Tree Plan Three proposal shall not be extended.

#### ~~4.—Tree Plan Four~~

- ~~A.—Threshold. An application for Tree Plan Four shall be required when none of the actions listed in Section 40.90.10 or none of the thresholds listed in Section 40.90.15.1 through Section 40.90.15.3 apply and when the following threshold applies:~~

~~1. Removal of more than ninety five percent (95%) of trees within a Significant Natural Resource Area (SNRA).~~

~~B. Procedure Type. The Tree Plan Four application is a Comprehensive Plan Amendment application. The procedures and criteria specified in Chapter One of the Comprehensive Plan shall apply.~~

\*\*\*\*\*